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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,837

07/21/2003

Don Teague

5776P006

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21186 7590 08/29/2007  
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EXAMINER

MURDOUGH, JOSHUA A

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

08/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/624,837

Applicant(s)

TEAGUE ET AL.

Examiner

Joshua Murdough

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____                                                |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/24/2003, 10/28/2003, 10/30/2003, 11/05/2003, 2/24/2004, 10/24/2005, 12/16/2005, 6/27/2006.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statements (IDS's) submitted on 10/24/2003, 10/28/2003, 10/30/2003, 2/24/2004, 10/24/2005, 12/16/2005, 6/27/2006 were received. Accordingly, the Examiner is considering these information disclosure statements.

The information disclosure statement filed on 11/05/2003 that is associated with the instant application does not pertain to the subject matter of the instant application and was most likely misfiled with the instant application due to a typographical error. Therefore the references cited within said IDS were not considered.

### ***Claim Objections***

Claims 4 & 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. As best understood, claims 4 & 19 merely restate that the approved payment method is selected based on consumer information.

Claim 23 is objected to because of the following informalities: In the fourth and sixth lines, the phrase "to to" appears. The Examiner believes this to be a typo and has removed one instance of "to" from each case, while treating them on the merits below. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 7, 13, & 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms vendor criteria, consumer criteria, type of purchase event criteria, and purchaser payment psychology are not expressly defined in the specification, nor are their definitions readily apparent to the Examiner. For example, it is not clear if the vendor imposes vendor criteria or if they consider which vendor is conducting the transaction. In order to expedite prosecution, the forgoing list of criteria has been broadly interpreted to mean that the decision needs to be based on some criteria when evaluated on the merits.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-10, 12, 14-17, & 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hills (6,164,528).

As to claim 1, Hills shows:

A method to communicate payment options to a consumer, the method including:

receiving consumer information associated with the consumer; (Abstract, lines 1-4,

through reading off of a check, credit card, or manual input)

identifying at least one approved payment option from a plurality of payment options

utilizing the consumer information, (A fully automated system (Column 3, lines

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30-32) capable of handling different payment methods (Column 3, lines 46-52)  
would necessarily have to be able to identify the method being used by the  
information given, in order to process it correctly)  
the at least one payment option being valid for the consumer; (Column 3, lines 20-26)  
and  
communicating the at least one approved payment option to the consumer for  
selection by the consumer. (Column 6, lines 7-13)

As to claim 2, Hills further shows:

monitoring a request by the consumer for a further payment option, the further  
payment option differing from the at least one approved payment option; (Column  
6, lines 43-47)  
communicating to the consumer a request for additional consumer information;  
(Column 6, lines 53-56) and  
selectively approving the request by the consumer for the further payment option  
based on the additional consumer information. (Column 6, lines 56-61)

As to claim 4, Hills shows all of the elements as shown in claim 1.

As to claim 5, Hills further shows:

storing the approved payment option for the consumer for use in future transactions.  
(Column 4, lines 28-35)

As to claim 6, Hills further shows

the plurality of available payment options include at least one of a credit card option,  
a phone bill option, an ACH option, a payment by check option, a direct bill

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option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 7, Hills further shows:

identifying the at least one approved payment option to the consumer includes identifying a payment option utilizing at least one of vendor criteria, consumer criteria, type of purchase event criteria, and purchaser payment psychology. (Column 9, lines 13-20)

As to claim 8, Hills shows

A system to present payment options to a consumer, the system including:  
a communication module to receive consumer information; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)  
an approved payment options generator module to generate a list of at least one approved payment options utilizing the consumer information; (while not expressly stated, a list of accepted payment methods would have to be communicated to the user in order for one to be chosen) and  
a selection module to present the consumer with an option to select a payment option from the list of at least one approved payment options. (Figure 2, 310; Column 13, lines 31-33)

As to claim 9, Hills further shows:

the operation includes providing additional consumer information. (Column 6, lines 53-56)

As to claim 10, Hills further shows:

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the payment options generator module includes a payment option validation module to identify an available payment option from a plurality of available payment options as an approved payment option utilizing the consumer information.  
(Column 6, lines 56-61)

As to claim 12, Hills further shows:

the plurality of available payment options include at least one of a credit card option, a phone bill option, an ACH option, a payment by check option, a direct bill option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 14, Hills shows:

A method to present payment options to a consumer, the method including:  
providing consumer information associated with the consumer to a transaction processing facility; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

receiving at least one approved payment option from a plurality of payment options from the transaction processing facility based on the consumer information, (A fully automated system (Column 3, lines 30-32) capable of handling different payment methods (Column 3, lines 46-52) would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)  
and



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presenting the at least one approved payment option to the consumer for selection by the consumer. (Column 6, lines 7-13)

As to claim 15, Hills further shows:

monitoring a request by the consumer for a further payment option, the further payment option being distinct from the at least one approved payment option; (Column 6, lines 43-47)

obtaining additional consumer information from the consumer; (Column 6, lines 53-56)

communicating the additional consumer information to the transaction processing facility; and (Column 11, lines 23-30 & Figure 3, 334)

receiving one of an approval of the further payment option for the consumer, and a rejection of the further payment option for the consumer. (Column 11, lines 23-30)

As to claim 16, Hills shows:

A machine-readable medium for embodying a sequence of instructions that, when executed by the machine, cause the machine to:

receive consumer information associated with a consumer; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

identify at least one approved payment option from a plurality of payment options utilizing the consumer information, (A fully automated system (Column 3, lines 30-32) capable of handling different payment methods (Column 3, lines 46-52))

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would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)  
the at least one payment option being valid for the consumer; (Column 3, lines 20-26)  
and  
communicate the at least one approved payment option to the consumer for the selection by the consumer. (Column 6, lines 7-13)

As to claim 17, Hills further shows:

monitors a request by the consumer for a further payment option, the further payment option differing from the at least one approved payment option; (Column 6, lines 43-47)

communicates to the consumer a request for additional consumer information;  
(Column 6, lines 53-56) and

selectively approves the request by the consumer for the further payment option based on the additional consumer information. (Column 11, lines 23-30)

As to claim 19, Hills shows all of the elements of claim 16.

As to claim 20, Hills further shows:

the approved payment option for the consumer is stored for use in future transactions.  
(Column 4, lines 28-35)

As to claim 21, Hills further shows:

the plurality of available payment options include at least one of a credit card option, a phone bill option, an ACH option, a payment by check option, a direct bill

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option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 22, Hills further shows:

identifying the at least one approved payment option to the consumer includes identifying a payment option utilizing at least one of vendor criteria, consumer criteria, type of purchase event criteria, and purchaser payment psychology. (Column 9, lines 13-20)

As to claim 23, Hills shows:

A system to present valid payment options to a consumer, the system including: means to receive consumer information; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input) means to generate a list of at least one approved payment options utilizing the consumer information; (while not expressly stated, a list of accepted payment methods would have to be communicated to the user in order for one to be chosen) and means to present the consumer with an option to select a payment option from the list of at least one approved payment options. (Column 6, lines 7-13)

As to claim 24, Hills shows:

A machine-readable medium for embodying a sequence of instructions that, when executed by a machine, cause the machine to: provide consumer information associated with a consumer to a transaction processing facility; (Column 11, lines 44-54)

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receive at least one approved payment option from a plurality of payment options  
from the transaction processing facility based on the consumer information,  
(Column 7, lines 16-18).

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)

and

present the at least one approved payment option to the consumer for selection by the  
consumer. (Column 6, lines 7-13)

As to claim 25, hills further shows:

monitors a request by the consumer for a further payment option, the further payment  
option being distinct from the at least one approved payment option; (Column 6,  
lines 43-47)

obtains additional consumer information from the consumer; (Column 6, lines 53-56)

communicates the additional consumer information to the transaction processing  
facility; and (Column 11, lines 23-30 & Figure 3, 334)

receives one of an approval of the further payment option for the consumer, and a  
rejection of the further payment option for the consumer. (Column 11, lines 23-  
30)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11, 13, & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills in view of Wang (2003/0009423).

As to claim 3, Hills shows all of the elements except:

identifying the at least one approved payment option includes generating a reliability score value utilizing the consumer information.

Wang shows the use of a trust rating when determining to allow a customer certain rights. (Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Hills to include the trust rating of Wang in order to restrict the rights to use the transaction networks for customers that do not appear reliable.

(Paragraph 0060)

As to claim 11, Hills shows all of the elements except:

the payment options generator module includes a payment options rules engine to determine reliability score value for the consumer.

Wang shows the use of a trust rating when determining to allow a customer certain rights. (Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Hills to include the trust rating of Wang in order to restrict the rights to use the transaction networks for customers that do not appear reliable.

(Paragraph 0060)

As to claim 13, Hills further shows:

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the payment options rules engine is to identify a payment options presentation format, utilizing at least one of a vendor criteria, a consumer criteria, a type of purchase event criteria, and a purchaser payment psychology. (Column 9, lines 13-20)

As to claim 11, Hills shows all of the elements except:

the at least one approved payment option is identified by generating a reliability score value utilizing the consumer information.

Wang shows the use of a trust rating when determining to allow a customer certain rights. (Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Hills to include the trust rating of Wang in order to restrict the rights to use the transaction networks for customers that do not appear reliable.

(Paragraph 0060)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Case (4,270,042) shows the use of a prepaid card at a point of sale terminal.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Murdough whose telephone number is (571) 270-3270. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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